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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,244	03/02/2004	Jin-Oh Kwag	8071-139T (OPP 041939US)	9894
7590 F. Chau & Associates, LLC 130 Woodbury Road Woodbury, NY 11797			EXAMINER DUONG, TAI V	
			ART UNIT	PAPER NUMBER
			2871	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/790,244

Applicant(s)

KWAG ET AL.

Examiner

Tai Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/955,218.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The rejections over KR 2001005217 and Chuang et al are withdrawn in view of the amendments to the claims and the certified translation of the priority document.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recited feature “the first projected portion of the pixel electrode form a substantially *elliptical* or *curved shape*” of claim 18, and the recited feature “a second substrate, an (common) electrode formed on the second substrate having a second opening in or a second projected portion of said (common) electrode, any of second opening in or a second projected portion form a substantially elliptical or curved shape” of claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

With respect to Applicant's remarks regarding the objection to the drawings, *none* of the instant figures shows the first projected portion of the pixel electrode form a substantially *elliptical* or *curved* shape (claim 18) or a *second* substrate, an (common) electrode formed on the second substrate having a second opening in or a second projected portion of said (common) electrode, any of second opening in or a second projected portion form a substantially elliptical or curved shape (claim 19). It is noted that *nowhere* in Fig. 3 and lines 17-19 of page 6 of the specification does it disclose the first projected portion of the pixel electrode forming an elliptical or curved shape. In addition, it is noted that the openings 81 in Figs. 5 and 6 have substantially *curved* shapes, *not* elliptical shape as compared with those of the KR 2001005217 and Chuang et al references. Also, see Chuang et al for the drawings showing a second substrate having a second (common) electrode and a protrusion formed thereon.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the features "the first projected portion of the pixel electrode" and "the first projected portion of the pixel electrode form a substantially elliptical or curved shape" as recited in claim 18; the features "the projected portion of the electrode formed on the second substrate" and "the second opening or the second projected portion of the (common) electrode form a substantially elliptical or curved shape" as recited in claim 19.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification does *not* disclose the feature "the first projected portion of the pixel electrode form a substantially elliptical or curved shape" as recited in claim 18, and the feature "the second projected portion of the (common) electrode form a substantially elliptical or curved shape" as recited in claim 19.

With respect to Applicant's remarks regarding the objection to the specification and the rejection under 35 USC 112, it is noted that *nowhere* in Fig. 3 and lines 17-19 of page 6 of the specification does it disclose the first projected portion of the pixel electrode forming an elliptical or curved shape. Lines 17-19 of page 6 of the specification disclose "(T)hat is, the X-shaped projection 71 has the width increasing as goes from the center toward ends, and does not include the rectangular shape which the first embodiment includes."

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Without antecedent basis in the specification, it is unclear to which elements of Fig. 3 the first projected portion of the pixel electrode refers. As apparent from Fig. 3, there is *no* projected portion of the pixel electrode 80 forming a substantially elliptical or curved shape, that is not consistent with Applicant's remarks (see first paragraph of page 4 of Applicant's Remarks). The same issues are also applied to the projected portion of the electrode formed on the second substrate and the second projected portion of the electrode forming a substantially elliptical or curved shape of claim 19.

Claims 18 and 19 are not indicated as allowed over the prior art of record because the intended scope of these claims is unclear for the reasons set forth in the above rejections under 35 U.S. C. 112.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Song et al disclose a common electrode having elliptical openings

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

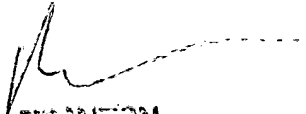
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


TAMMIE
PATENT EXAMINER


TVD

02/07